

Information Disclosure Statement

Applicants will submit under separate cover an Information Disclosure Statement for consideration by the Examiner.

Objection to the Claims

The Examiner has objected to claims 7, 8, and 10 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form." (Paper No. 5, page 2, item 4.) Based on the following remarks, Applicants believe that the base claims upon which claims 7, 8 and 10 are dependent have been put into condition for allowance. Therefore, Applicants respectfully request the Examiner to withdraw the objections to claims 7, 8 and 10.

Nonstatutory Double Patenting Rejections

The Examiner has rejected the following claims under the judicially created doctrine of double patenting: claim 1 for allegedly being unpatentable over claims 1-4 of U.S. Patent No. 5,948,614; claims 2-6 for allegedly being unpatentable over claims 2-6, respectively, of U.S. Patent No. 5,948,614; and claims 9, 13, 16, 17, 19, 26, 28, 29, 34, 35, and 36, for allegedly being unpatentable over claims 7, 11, 17, 25, 27, 28, 33, 34, and 136, respectively, of U.S. Patent No. 5,948,614. In support of this rejection, the Examiner relies on *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). In order to obviate this rejection of claims 1, 2-6, 9, 13, 16, 17, 19, 26, 28, 29 and 34-36, Applicants have enclosed herewith a terminal disclaimer over U.S. Patent No. 5,948,614.

With respect to the terminal disclaimer enclosed herewith, Applicants note that "the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double

patenting, and raises neither presumption nor estoppel on the merits of the rejection. It is improper to convert this simple expedient of 'obviation' into an admission or acquiescence or estoppel on the merits." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 874, 20 U.S.P.Q.2d 1392, 1394-1395 (Fed. Cir. 1991).

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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